

REMARKS

Initially, Applicants wish to thank the Examiner for the detailed Official Action of October 18, 2008. Upon entry of the present Amendment, claims 1, 3, 5 and 6 will have been amended. Applicants submit that the pending claims are in a condition for allowance.

**SUMMARY OF THE OFFICE ACTION**

The Examiner has objected to the specification because the replacement abstract does not begin on a separate sheet of paper. The Examiner has rejected claims 1-4 and 6 under 35 U.S.C. § 102(b) as being anticipated by WRIGHT et al. (WO 00/01054) which incorporates by reference ARCHER et al. (U.S. Patent No. 5,006,744). The Examiner has also asserted that claim 5 is unpatentable under 35 U.S.C. § 103(a) over WRIGHT et al. in view of KUROME et al. (U.S. Patent No. 4,156,821) and that claim 7 is unpatentable over WRIGHT et al. in view of YU-FANG et al (U.S. Patent 4,952,828).

**THE OBJECTION TO THE SPECIFICATION**

Applicants believe that the objection to the specification will be overcome by the concurrent submission of a new Abstract on a separate sheet. Accordingly, a new Abstract is being submitted on a separate sheet of paper as an Appendix to this Amendment. The amendments to the Abstract are identified above. Accordingly, the Examiner is respectfully requested to withdraw the objection to the specification.

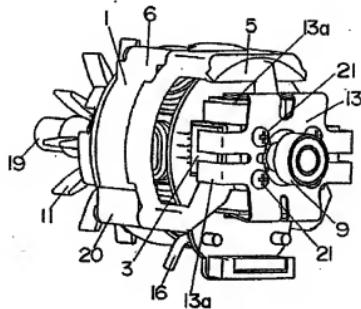
## THE REJECTION OF CLAIMS 1-4 AND 6 UNDER 35 U.S.C. § 102

Applicants respectfully submit that WRIGHT et al. and the motor disclosed therein does not anticipate amended claims 1-4 and 6. For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. § 2131; M.P.E.P. § 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn. The Applicants respectfully submit that WRIGHT et al. fails to teach or show at least one or more of the features of amended claims 1-4 and 6.

The Examiner has asserted that claims 1-4 and 6 are anticipated by WRIGHT et al. which incorporates by reference ARCHER et al. Applicants' claim 1 recites a brushless motor having a resilient member for elastically pressing the switching elements against the heat-radiating member. Applicants respectfully submit that WRIGHT et al. and ARCHER et al. do not teach, show or suggest the claimed resilient member. Accordingly, Applicants respectfully submit that amended claim 1 is not anticipated by WRIGHT et al.

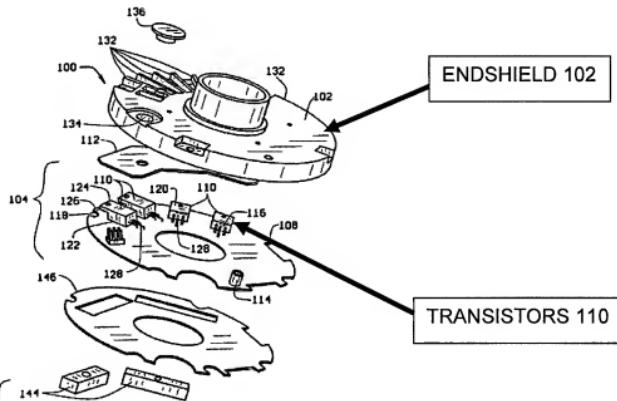
In order to appreciate the differences between the present invention, as disclosed, and WRIGHT et al., FIG. 3 of the present application is reproduced below.

Fig. 3



From FIG. 3 it can be readily appreciated that Applicants disclose a member 13 that causes the switching elements 3 to contact a heat-radiating member 5 by elastically pressing the switching elements against the heat-radiating member. See also paragraph [0025] of the published application. Applicants respectfully submit that WRIGHT et al. does not teach, show or suggest the claimed resilient member for elastically pressing the switching elements against the heat-radiating member.

In order to demonstrate that WRIGHT et al. does not disclose the claimed resilient member, an annotated relevant portion of FIG. 1 of WRIGHT et al. is reproduced below:



The Official Action on page 3 asserts that transistors (110) of WRIGHT et al. correspond to the claimed switching elements of claim 1, and that an endshield (102) of WRIGHT et al. corresponds to the claimed heat-radiating member of claim 1. WRIGHT et al. includes a thermal pad 112 and spacer 114 disposed between the transistors 110 and the endshield 102, but Applicants respectfully submit that that the thermal pad and spacer do not comprise a resilient member for elastically pressing the switching elements against the heat-radiating member as

claimed by Applicants. In fact, the spacer 114 appears to separate the endshield from the transistors, and WRIGHT et al. thus appears to teach away from amended claim 1.

The Official Action on page 4 suggests that a bolt can be used to "bias" the endshield 102 and thermal pad against the transistors 110 of WRIGHT et al. Applicants, however, respectfully submit that a bolt is not a "resilient member" that "elastically pushes" the switching elements against the heat radiating member. Accordingly, amended claim 1 is not anticipated by WRIGHT et al., and the Examiner is respectfully requested to withdraw the rejection.

#### **DEPENDENT CLAIMS 2-7**

With regard to claims 2-7, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable, as well as based upon their own combination of recitations. Accordingly, Applicant respectfully requests reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.

#### **CONCLUSION**

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the previously asserted rejections set forth in the Official Action of October 18, 2007, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Any amendments to the claims in this Reply, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any extension of time is deemed to be necessary to maintain the pendency of the application, including any extension of time fees for entry of an Examiner's Amendment, the Patent and Trademark Office is hereby requested and authorization is hereby provided to charge any necessary fees to maintain the pendency of this application to Deposit Account No. 19-0089.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully Submitted,  
Tsutomu NATSUHARA et al.

Bruce H. Bernstein  
Reg. No. 29,027

January 18, 2008  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

William Pieprz  
Reg. No. 33,630